IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 21591 of 2004

Between:

1 M.Anuradha, W/o M.Rajesham,
R/o Venkampet Street, Tettakunta Village, Siriciall Mandal,
Karimnagar District
2 M.Srinivas, S/o M.Laxmi Narsaiah,
R/o Venkampet Street, Tettakunta Village, Siriciall Mandal,
Karimnagar District
3 M.Padma, W/o M.Venkata Ramana,
R/o Venkampet Street, Tettakunta Village, Siriciall Mandal,
Karimnagar District
4 K.Satyanarayana, S/ K.Peddi Venkati,
R/o Venkampet Street, Tettakunta Village, Siriciall Mandal,
Karimnagar District
5 A.Kanakaiah, S/o Balaiah,
R/o Sanjeevayyanagar, Tettakunta Village, Siriciall Mandal,
Karimnagar District
6 A.Tara, W/o A.Ravi,
R/o Sanjeevayya Nagar Tettakunta Village, Siriciall Mandal,
Karimnagar District

..... PETITIONERS

AND

1 Govt.of A.P. rep.by its Secretary, Revenue Department,

Secretariat, Hyderabad
2 The District Collector, Karimnagar

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction, writ or order, one in the nature of Mandamus: a) declaring the action of the respondents in not considering the petitioners cases for assignment of the Govt.1 and in survey Nos.5 & 38 to an extent of about 4-5 acres situated Tettakunta Village, Vemulawada Mandal, Karimnagar District even though they are eligible for assignment of the same view of their poverty and unable to eke out their livelihood through their professional income but considering only to recommended candidates cases by the political leaders as well as local MLA and Minister is arbitrary, illegal, malafide and affects the fundamental rights guaranteed under Article -14 of the Constitution of India; b) directing the authorities to consider the petitioners cases for assignment of the Govt. land to an extent of 4-5 acres in survey Nos5 & 38 situated at Tettakunta Village, Vemulawada Mandal, Karimnagar District c) granting all consequential benefits including costs;

Counsel for the Petitioner: MR.M.RAMA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 21591 of 2004

ORDER:

The present writ petition is filed to declare the action of the respondents in not considering the petitioners' cases for assignment of the Government land admeasuring 4-5 acres in survey Nos.5 and 38 situate at Tettakunta village, Vemulwada Mandal, Karimnagar District, as illegal and malafide.

2. The learned counsel for the petitioners contended that the petitioners are very poor and landless persons and they are in occupation of the said Government lands and cultivating the same. Therefore, a direction may be given to the District Collector to consider the case of the petitioners.

3. The learned Government Pleader for Assignments opposed the same on the ground that it is for the District Collector to decide who is entitled to an assignment.

4. The allegation made in the writ petition is very clear that the petitioners are very poor and landless persons. However, The cases of the petitioners have to be considered by the District Collector in accordance with law since he is the competent authority to consider the same.

5. Therefore, the 2nd respondent-District Collector, Karimnagar, is directed to consider the cases of the petitioners in accordance with law for assignments of the lands.

6. With the above direction, the writ petition is disposed of. In the circumstances of the case, there shall be no order as to costs.

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November 25, 2004

Kvr

TO

1 The Secretary, Govt.of A.P. Revenue Department,

Secretariat, Hyderabad
2 The District Collector, Karimnagar

3 Two C.Cs. to G.P. for Revenue, High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

4 Two C.D. Copies.